

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

JOHN M. FLOYD & ASSOCIATES, INC.	§	
	§	
Plaintiff,	§	
	§	
VS.	§	CASE NO. 4:11CV306
	§	
FISERV SOLUTIONS, INC. d/b/a	§	
INTEGRASYS and d/b/a SUMMIT	§	
INFORMATION SYSTEMS and	§	
MEA FINANCIAL ENTERPRISES, LLC	§	
	§	
Defendants.	§	

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On November 18, 2011, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that John M. Floyd & Associates' (JMFA) Motion to Remand (Dkt. 13) be GRANTED and that this case be remanded to the 429th District Court of Collin County, Texas.

The court has made a *de novo* review of the objections raised by the parties and the related responses (*see* Dkts. 45, 46, 47, & 48). The court is further aware of the recent changes made to 28 U.S.C. § 1446(b)(2)(C) in conjunction with the *Federal Courts Jurisdiction and Venue Clarification Act of 2011* which might alter the court's rulings herein. However, those amendments apply only


to any actions commenced on or after January 6, 2012. *See* P.L. 112-63. Because this action was commenced before the effective date, the amended 28 U.S.C. §1446(b)(2)(C) is inapplicable.

Therefore, the court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections are without merit as to the ultimate findings of the Magistrate Judge. The court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this court.

Therefore, John M. Floyd & Associates' (JMFA) Motion to Remand (Dkt. 13) is GRANTED, this case shall be remanded to the 429th District Court of Collin County, Texas, and the court will not award any attorney fees or costs incurred as a result of the removal.

IT IS SO ORDERED.

SIGNED this the 7th day of February, 2012.



RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE